

**From:** [REDACTED]  
**Subject:** FW: COVID TASK FORCE MEETING DEC.10  
**Date:** Wednesday, December 9, 2020 5:09:06 PM  
**Attachments:** [Notice to Businesses \(regarding to mask wearing\).pdf](#)  
[NV Businesses Legal Notice Laws.pdf](#)

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**From:** Debbie DeValve [REDACTED]  
**Sent:** Wednesday, December 9, 2020 4:43 PM  
**To:** Meagan Werth Ranson [REDACTED]  
**Subject:** COVID TASK FORCE MEETING DEC.10

Meagan,

Please email this to Terry Reynolds and Caleb Cage for the Task Force Meeting tomorrow, please.  
Thank you!

Mr. Reynolds,

I appreciate you listening to my public comment last week and reading my email that Meagan forwarded to you.

I have two topics I would like to address with you- Directive 24 enforcement questions and Nevada Businesses Legal Notice Packet

I still feel confused of how OSHA and the Business Licensing Department screen these businesses that have received a Covid - related complaint regarding patrons not wearing a mask... as I've copy/pasted Directive 24 exemption here:

Are there any exemptions to who should wear a face covering? Yes, Exemptions include persons:

- o Who are 2 years of age and under, to avoid potential risk of suffocation.
- o **Who have a medical condition, whether it be mental health, disability, or other health reason that prevents them from wearing a face covering. This includes** people with any medical condition for whom wearing a face covering can obstruct their breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance.

From my own experiences with businesses in the Las Vegas area is that they don't even know what Directive 24 is and what it says. Ultimately, they don't care because they would rather deny service than take the chance of another patron reporting the business of a maskless customer to OSHA or the business licensing department.

Can't there be some kind of system in place or is there? Do these inspectors ask the businesses if their maskless patrons fall under Directive 24 exceptions?. But, then , of course , that gets into a privacy issue for the patron.Is the business owner required to ask the patron if they are exempt, if the patron doesn't volunteer the information? Shouldn't the business owner be able to assume the patron cannot wear a mask if they walk in without one.

Why is all this stress and pressure put on the business owner? As I mentioned in the email , the business owners have become an arm of the government whether they want to or not, which technically is illegal. Also, if they are doing health screenings (temperature checks) they are now practicing medicine without a license (NRS 630.400).

I looked up the NRS Code that OSHA is using for citations NRS 618.545(1)

The words that jumped out at me were , "expected to cause death, " imminence of danger", "serious physical harm immediately" . What it seems to be describing here is something that you could drop dead from as soon as, or soon after you made contact. This doesn't sound like a virus that has a 99% survival rate.

But, yet this is what's being used to justify fining a business perhaps thousands of dollars. This sounds illegal and OSHA needs to be held accountable.

**NRS 618.545 Emergency orders of Administrator; injunctive relief.**

1. The Administrator may issue an emergency order to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of the danger can be eliminated through the other enforcement procedures provided by this chapter. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct or remove the imminent danger and prohibit the employment or presence of any person in locations or under conditions where the imminent danger exists, except persons whose presence is necessary to avoid, correct or remove the imminent danger or to maintain

I offer you the solution to the confusion;

To help educate businesses of public accommodation of what the laws are under the US Constitution, NV Constitution, and the NRS codes , a colleague of mine, as well as through The Healthy American . org , have created a packet of information. We are in the process of figuring out how to best distribute this material to Nevada businesses.. How can the Governor's mandates be enforced if they are not in alignment with laws that are on the book? A Governor cannot make a law. An emergency doesn't take away individual rights guaranteed by the US Constitution. "Even in a pandemic the Constitution cannot be put away and forgotten" the Supreme Court majority recently said in a court ruling.

I have attached the packet as a pdf. Please look them over. I hope they can even be incorporated into your own training information to businesses.

Thank you for your time and attention to this matter.

Debbie DeValve

# **LEGAL NOTICE**

## **To Places of Public Accommodation**

Denial of entry of a patron who is not wearing a mask for medical or religious reasons is a violation of established federal and state laws

### **U.S. FEDERAL LAWS**

#### **1. U.S. Constitution, 1<sup>st</sup> Amendment, Right to Assemble, Right to Freedom of Speech, Right to Religious Expression**

Requiring someone to wear a mask as a condition to assemble in your place of public accommodation is an infringement of the right protected under the U.S. Constitution, the highest law of the land. No law is valid or lawful that violates the Constitution. No health order, emergency order, state of emergency, municipal ordinance, or store policy may suspend or violate the Constitution, period.

#### **2. U.S. Constitution, 4<sup>th</sup> Amendment, Right to Privacy**

Forcing a person to wear a mask without their consent is a violation of the 4<sup>th</sup> Amendment. Further, gathering vital statistics such as taking one's temperature is a violation person's right to privacy. Violation of this protection will result in your actions being report to the U.S. Department of Justice, which is required by law to investigate Civil Rights Violations. No law is valid or lawful that violates the Constitution. No health order, emergency order, state of emergency, municipal ordinance, or store policy may suspend or violate the Constitution, period.

#### **3. U.S. Title 52, Civil Rights Act of 1964: Unlawful to Discriminate in place of Public Accommodations**

Your business establishment is legally defined as a place of "public accommodation" and as such you may not prohibit entry by discriminating against someone for their medical condition, disability or religious views. If someone is unable or unwilling to wear a mask for one of those reasons you may not prohibit their entry, nor may you file a charge of trespassing because of their legally protected status. **Just as you would not be able to deny entry to someone based on their skin color, you may not deny entry to someone based on their bare face.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the "full enjoyment and equal access to facilities, services and accommodations," as REQUIRED BY LAW.

#### **4. U.S. Title 42, Section 12101: Unlawful to Deny Entry to Persons with Disability or perceived medical condition (ADA)**

Your business establishment is legally defined as a place of “public accommodation” and as such you may not prohibit entry by discriminating against someone for their medical condition or disability. If someone is unable or unwilling to wear a mask for one of those reasons you may not prohibit their entry, nor may you file a charge of trespassing because of their legally protected status. **Just as you would not be able to deny entry to someone in a wheelchair, you may not deny entry to someone not wearing a mask.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the “full enjoyment and equal access to facilities, services and accommodations,” as REQUIRED BY LAW.

#### **5. U.S. Americans with Disabilities Act: Unlawful to Deny Entry to Persons with Disability or perceived medical condition**

Your business establishment is legally defined as a place of “public accommodation” and as such you may not prohibit entry by discriminating against someone for their medical condition or disability. If someone is unable or unwilling to wear a mask for one of those reasons you may not prohibit their entry, nor may you file a charge of trespassing because of their legally protected status. **Just as you would not be able to deny entry to someone in a wheelchair, you may not deny entry to someone not wearing a mask.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the “full enjoyment and equal access to facilities, services and accommodations,” as REQUIRED BY LAW.

### **NEVADA STATE LAWS**

#### **1. Nevada Constitution, Ordinance**

**Slavery prohibited; freedom of religious worship; taxation of certain property. [Effective on the date Congress consents to amendment or a legal determination is made that such consent is not necessary.]** In obedience to the requirements of an act of the Congress of the United States, approved March twenty-first, A.D. eighteen hundred and sixty-four, to enable the people of Nevada to form a constitution and state government, this convention, elected and convened in obedience to said enabling act, do ordain as follows, and this ordinance shall be irrevocable, without the consent of the United States and the people of the State of Nevada:

First. That there shall be in this state neither slavery nor involuntary servitude, otherwise than in the punishment for crimes, whereof the party shall have been duly convicted.

**Second. That perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested, in person or property, on account of his or her mode of religious worship.**

Third. That the people inhabiting said territory do agree and declare, that lands belonging to citizens of the United States, residing without the said state, shall never be taxed higher than the land belonging to the residents thereof; and that no taxes shall be imposed by said state on lands or property therein belonging to, or which may hereafter be purchased by, the United States, unless otherwise provided by the Congress of the United States.

[Amended in 1956 and 1996. The first amendment was proposed and passed by the 1953 legislature; agreed to and passed by the 1955 legislature; approved and ratified by the people at the 1956 general election. See: Statutes of Nevada [1953, p. 718](#); Statutes of Nevada [1955, p. 926](#). The second amendment was proposed and passed by the 1993 legislature; agreed to and passed by the 1995 legislature; and approved and ratified by the people at the 1996 general election, effective on the date Congress consents to amendment or a legal determination is made that such consent is not necessary. See: Statutes of Nevada [1993, p. 3136](#); Statutes of Nevada [1995, p. 2917](#).]

[NOTE: How can you, as a business owner, violate someone's religious belief, which may prohibit mask-wearing?]

## 2. Nevada Constitution, Article 1, Section 1

Section. 1. **Inalienable rights.** All men are by Nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty; Acquiring, Possessing and Protecting property and pursuing and obtaining safety and happiness.

[NOTE: How can you acquire and possess property if you can't work to earn a living?]

## 3. Nevada Constitution, Article 1, Sections 4, 8, 9

Sec: 4. **Liberty of conscience.** The free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed in this State.

Section 8 (2) No person shall be deprived of life, liberty, or property, without due process of law.

Sec: 9. **Liberty of speech and the press.** Every citizen may freely speak, write and publish his sentiments on all subjects being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. [NOTE: How can someone speak freely when their mouth is muzzled?]

## 4. Nevada NRS 630.400 -- Practicing medicine without a license

Requiring someone to wear a mask is a medical intervention. Unless you are a licensed medical professional, you have no authority to recommend such a practice. Further, a surgical mask is designated by the FDA as a "medical device". You have no legal authority responsibility or liability to require that of either your customers or your employees.

No "emergency order" supersedes established law. Any "health order" related to mask-wearing is unlawful and unenforceable by law. The legal definition of "unauthorized practice of medicine" in Nevada is providing health care without being licensed by the [Nevada State Board of Medical Examiners](#). Even if a person completes medical school and is competent, he/she still may not lawfully practice medicine in Nevada without a medical license.<sup>1</sup>

**Practicing medicine without a license is a felony in Nevada.**

## 5. Nevada NRS 199.430: Impersonating a peace officer

You are not a law enforcement officer and have no authority to enforce any law or order.

Impersonating a law enforcement officer is a crime in this state

**Impersonation** an **officer** is prosecuted as a gross misdemeanor in **Nevada**. The punishment includes a sentence of: up to 364 days in jail, and/or. up to \$2,000 in fines. You will be reported to authorities for this violation.

## 6. Nevada Civil Rights 1965 Statues: Free and Equal Access to Public Accommodations

<https://www.leg.state.nv.us/Statutes/53rd/Stats196504.html#Stats196504page689>

Your business establishment is legally defined as a place of "public accommodation" and as such you may not prohibit entry by discriminating against someone for their medical condition, disability or religious views. If someone is unable or unwilling to wear a mask for one of those reasons you may not prohibit their entry, nor may you file a charge of trespassing because of their legally protected status. **Just as you would not be able to deny entry to someone wearing a turban, you may not deny entry to someone not wearing a mask.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the "full enjoyment and equal access to facilities, services and accommodations," as REQUIRED BY LAW.

### CHAPTER 332

AN ACT relating to civil rights; to amend chapter 651 of NRS, relating to public accommodations, by adding new sections defining terms, providing for equal enjoyment without discrimination based on race, color, religion or national origin, providing a penalty, providing for civil actions, authorizing local ordinances, and providing for orders and injunctions; to amend chapter 613 of NRS, relating to fraudulent and discriminatory employment practices, by adding new sections defining terms, prohibiting discriminatory practices based on race, color, religion or national origin, providing exceptions, and providing for orders and injunctions; to amend NRS section 233.060, relating to the powers and duties of the commission, by providing for findings of fact and rule making; and providing other matters properly relating thereto.

[Approved April 5, 1965]

*The People of the State of Nevada, represented in Senate and Assembly,  
do enact as follows:*

SECTION 1. Chapter 651 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8.5, inclusive, of this act.

SEC. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, "place of public accommodation" means:*

1. *Any inn, hotel, motel or other establishment which provides lodging to transient guests, except an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;*

2. *Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, casino or any facility where spirituous or malt liquors are sold, including any such facility located on the premises of any retail establishment;*

3. *Any gasoline station;*

4. Any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; and

5. Any establishment physically containing or contained within any of the establishments described in subsections 1 to 4, inclusive, which holds itself out as serving patrons of such described establishment.

SEC. 3. The provisions of sections 2 to 8, inclusive, of this act do not apply to any private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of section 2 of this act.

SEC. 4. All persons are entitled to the full and equal enjoyment of

- b) Intimidates, threatens, coerces or attempts to threaten, intimidate or coerce any other person for the purpose of interfering with any right or privilege secured by section 4 of this act; or

- (c) Punishes or attempts to punish any other person for exercising or attempting to exercise any right or privilege secured by section 4 of this act.

2. A prosecution for violation of a local ordinance authorized by section 7 of this act shall bar any prosecution under this section.

SEC. 5. 1. Any person is guilty of a misdemeanor who:

- (a) Withholds, denies, deprives or attempts to withhold, deny or deprive any other person of any right or privilege secured by section 4 of this act; or

- (b) Intimidates, threatens, coerces or attempts to threaten, intimidate or coerce any other person for the purpose of interfering with any right or privilege secured by section 4 of this act; or

- (c) Punishes or attempts to punish any other person for exercising or attempting to exercise any right or privilege secured by section 4 of this act.

2. A prosecution for violation of a local ordinance authorized by section 7 of this act shall bar any prosecution under this section.

SEC. 6. 1. Any person who:

- (a) Withholds, denies, deprives or attempts to withhold, deny or deprive any other person of any right or privilege secured by section 4 of this act; or

- (b) Intimidates, threatens, coerces or attempts to threaten, intimidate or coerce any other person for the purpose of interfering with any right or privilege secured by section 4 of this act; or

- (c) Punishes or attempts to punish any other person for exercising or attempting to exercise any right or privilege secured by section 4 of this act,

is liable to the person whose rights under section 4 of this act are affected for the actual damages and for the additional sum of \$250, to be recovered by a civil action in a court in and for the county in which the infringement of civil rights occurred or in which the defendant resides.

2. In an action brought under this section, the court may award costs and reasonable attorney's fees to the prevailing party.

SEC. 7. Any county or incorporated city of this state may adopt a local ordinance prohibiting infringement of the rights or privileges secured by section 4 of this act, but no such ordinance may apply to any establishment outside the scope of sections 2 and 3 of this act or impose a penalty more severe than that provided by section 5 of this act. A prosecution under section 5 of this act shall bar any prosecution under an ordinance authorized by this section.

SEC. 8. When any complaint is filed with the Nevada commission on equal rights of citizens alleging violation of the rights or privileges secured by section 4 of this act, or when the commission initiates its own investigation of any such violation, the commission may, but only after holding a public hearing:

1. Make appropriate findings of fact;

2. Serve a copy of such findings upon any person found to have committed any such violation within 20 days after any such finding of violation is made; and

3. If such person does not cease and desist from the violation so found within 20 days after service is so made, apply to the appropriate district court for an injunction against such continued violation.

## **7. Nevada NRS 200.640, False Imprisonment**

Attempting to prevent someone's entry to this establishment or to restrict, detain or confine their movement without their consent constitutes FALSE IMPRISONMENT. If you deny someone's entry to your place of public accommodation based on their medical

condition or religious beliefs, you are at risk for charged with false imprisonment. Under NRS 200.640, **Nevada** law defines the crime of **false imprisonment** as restricting someone else's freedom to move and doing so without lawful authority. Common examples are not letting a person leave a room, or cornering a person against the wall.

## **8. Nevada NRS 203.010: Breach of Peace**

**NRS 203.010 Breach of peace.** Every person who shall maliciously and willfully **disturb the peace** or quiet of any neighborhood or person or family by loud or unusual noises, or by tumultuous and offensive conduct, threatening, traducing, quarreling, challenging to fight, or fighting, shall be guilty of a misdemeanor.

## **NO STORE POLICY MAY VIOLATE ESTABLISHED LAW**

Just as any place business may not institute "Fist-fight Fridays" or encourage customers to engage in pickpocketing or require someone to snort a line of cocaine as a condition of entry, any "store policy" may not violate the established laws set forth in this notice.

No claim of an "emergency" or "executive orders" or "health orders" or "city ordinances" excuses the business from violating the laws set forth in this notice.

Further, as a place of public accommodation (even as a private business) the business has extended an irrevocable license (privilege) to the public to enter the establishment and may not deny entry based on race, religion, disability or other protected characteristics.

**THUS: If a Place of public accommodation denies entry to a customer who is not wearing a mask for either medical or religious reasons, this business is in violation of these laws:**

US Constitution, 1st Amendment, 4<sup>th</sup> Amendment

US Title 42, US Title 52

Nevada Constitution, Ordinance

Nevada Constitution Article 1, sections 1, 4, 8, 9

NRS 630.400

NRS 199.430

NRS Chp 332

NRS 200.640

NRS 203.010

# **NOTICE TO BUSINESSES**

**ATTN: District Manager and Store Manager**

**RE: Mask and Distancing in this jurisdiction**

- You are under no lawful authority to require your employees or your patrons to wear a mask.
- There is no statutory law that requires you, your employees or your patrons to wear a mask.
- These are GUIDELINES of the State Dept of Health and local health boards. Any other ORDER is unlawful and must be challenged.
- Preventing entry to your establishment of someone not wearing a mask violates these laws:
  - NV Constitution
  - US Constitution (1<sup>st</sup> and 4<sup>th</sup> Amendments)
  - Federal Civil Rights Law (Title 11, Section 2000)
  - NV Civil Rights Law (51)
- If you refuse entry to your establishment, which is open to the public, you are also restricting the free movement of an individual and engaging in false imprisonment.
- You are in violation of several laws if you prohibit the entry of someone if they are not wearing a mask.
- Furthermore, it is unlawful to enforce 6 feet separation, as it restricts the movement of individuals and may be construed as false imprisonment.
- Declaring this as your “store policy” does not absolve you from your violation of the law.
- There is no regulation “on the books” that requires you to operate your business outside, with plexiglass dividers, or with restricting the number of patrons.
- REGULATIONS are the laws that are created through an administrative law-making procedure by departments and agencies to fulfill and carry out STATUTORY law.
- When a regulation is passed, it is given a code number and written into the California Code of Regulations (CCR).
- NO REGULATIONS are “on the books” that require masks, distancing, and other protocols.
- Violating the above-mentioned laws while concealing your identity with a face-covering may elevate the criminal charges against you for denying entry to any person in this jurisdiction.

This NOTICE TO BUSINESSES is prepared by [www.thehealthylamerican.org](http://www.thehealthylamerican.org)

in association with [www.theconstitutionallawgroup.com](http://www.theconstitutionallawgroup.com)